

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MAINE**

**ADELE E.,**

**PLAINTIFF**

**V.**

**ANTHEM BLUE CROSS AND  
BLUE SHIELD,**

**DEFENDANT**

**CIVIL No. 2:15-cv-01-DBH**

## PROCEDURAL ORDER

In assessing the parties' cross motions for judgment on the administrative record, I am perplexed as to some of the documents and the terminology that they use.

In the plaintiff's Motion to Modify the Administrative Record and for Discovery (ECF No. 18), she asserted that she had not received all the Plan documents and that the Certificate of Coverage alone was not the Plan or a summary plan description, as those documents are defined by ERISA. *Id.* at 6. In granting this aspect of the plaintiff's motion, Magistrate Judge Rich ordered the defendant to file more Plan-related documents. Mem. of Decision & Order on Pl.'s Mot. to Modify R. & for Disc. at 5 (ECF No. 25). But the subsequent filing came to the court from the *plaintiff* and did not identify which documents were Plan documents as opposed to the other documents she had requested, namely documents related to the denial of her second-level internal appeal and

information regarding medical reviewers. See Suppl. to the Admin. R. by Adele E. (ECF No. 29).

The parties and the documents themselves refer variously (and at times interchangeably) to the Policy, the Plan, the Certificate of Coverage, the Summary Plan Description, the Group Contract, and the Group Agreement. I understand that the plaintiff's father's employer established the Plan and that the defendant insures and administers it. What is the document or documents in the administrative record that establishes what the Plan provisions were at the time for which the plaintiff sought benefits? What provision designates the defendant Anthem Blue Cross and Blue Shield as the Administrator of the Plan?

If the parties wish simply to stipulate that the Certificate of Coverage constitutes all the provisions of the employer-adopted Plan and that Anthem Blue Cross and Blue Shield is the Plan Administrator (that seems to be the assumption both parties are making at this stage), and therefore I need not look for or consult other documents, then the parties need to inform the court of such a stipulation.

The parties shall respond to this Procedural Order by April 8, 2016.

**SO ORDERED.**

**DATED THIS 22<sup>ND</sup> DAY OF MARCH, 2016**

/s/D. Brock Hornby  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**